

 THE CITY OF NORFOLK POLICE DEPARTMENT		Operational General Order – OPR-210: Transporting Prisoners	
		Office of Preparation: Office of Support Services (adr)	
		CALEA: 70.1.1, 70.1.2, 70.1.3, 70.1.4, 70.1.5, 70.1.6, 70.1.7, 70.1.8, 70.2.1, 70.3.1, 70.3.2, 70.4.1, 70.4.2,	
LEGAL REVIEW DATE:	3-12-2020	PRESCRIBED DATE:	3-24-20
City Attorney:	<i>[Signature]</i>	City Manager/Director of Public Safety:	<i>[Signature]</i>
APPROVED BY THE AUTHORITY OF THE CHIEF OF POLICE:		<i>[Signature]</i>	

Purpose:

This order provides policy and procedures for searching, restraining, and transporting prisoners.

Policy:

Law enforcement officers shall search, restrain, and transport prisoners according to training methods to reduce the opportunities for possible injuries, escape, and property damage. Officers will maintain constant direct supervision and control while handling all prisoners. Officers should always be on constant alert and aware of weapon retention during prisoner transports.

Supersedes:

1. G.O. OPR-210: Transporting Prisoners, dated September 10, 2019
2. Any previously issued directive conflicting with this order

Order Contents:

- I. Searching Prisoners
- II. Restraints
- III. Spit Hood Guidelines and Applications
- IV. Physically Handicapped, Sick, or Injured Prisoners
- V. Vehicles Used for Transporting
- VI. Communications with Prisoners
- VII. Transporting Prisoners
- VIII. Hospital Details
- IX. Prisoner Escapes
- X. Documentation

I. Searching Prisoners

A. Arresting officers are responsible for the initial search of prisoners. Searches will generally be conducted by officers of the same sex as the prisoner. For the purposes of this policy the following definitions will apply:

- a) Body Cavity Search: The inspection of a person's anus, genitalia or the internal physical examination of body cavities or organs such as the stomach, excluding the mouth, which is conducted visually, manually, or by means of any physical instrument.
- b) Sex: For purposes of this policy, sex is defined by the genitals possessed by an individual. Officers will not consider a person's gender identity or expression when determining sex.
- c) Strip Search: The inspection of a person who has been ordered to remove or arrange some or all of his or her clothing to permit a visual inspection of the genitals, buttocks, anus, female breasts or under garments: or, the inspection by an officer that has removed or arranged some or all of a person's clothing to permit a visual inspection as described.

1. If the officer responsible for the search is the opposite sex from the prisoner, the officer will make arrangements for a same sex officer to be dispatched to conduct the search. The requesting officer will witness the same sex officer search the prisoner to the extent appropriate given the state of undress of the prisoner, and taking into consideration the depth of the search, i.e., bra, underwear, etc. In these instances, opposite sex officers will avert their eyes while these areas are being searched.
2. If an officer of the same sex as the prisoner is not available, the officer may search the prisoner **provided a supervisor authorizes**, and a second officer witnesses the search.
3. If an exigent circumstance exists, the officer may search the prisoner of the opposite sex, however, the officer will notify a supervisor as soon as practical.

Officers should refer to G.O. OPR-495: Strip Searches for the definition of a strip search and the parameters under which those may occur.

B. Prisoners will be searched by the transporting officer prior to being transported, except in the case of an opposite sex prisoner who has been searched by a same sex officer. The transporting officer may conduct a verification pat down for weapons prior to placing the prisoner in the transport vehicle. If the transporting officer takes custody of an opposite sex prisoner and the same sex officer who conducted the original search is no longer available, and no other same sex officer is available, then the transporting officer may conduct an opposite sex officer search prior to placing the prisoner in the transport vehicle. (CALEA 70.1.1, 70.3.1)

C. Officers will search prisoners each time prisoners are moved from a secure location. For example, when a prisoner is moved from the police vehicle to a holding cell,

from the holding cell to an interview room, from the interview room back to the holding cell, from the holding cell to a police vehicle for transport, etc., the officer will search the prisoner.

- D. Officers should take medical precautions as outlined in G.O. ADM-335: Infectious Disease Control, when handling prisoners. On-coming Supervisors should be made aware of existing biohazard conditions.
- E. Officers will adhere to the recording procedure of G.O. OPR-715: Body Worn Camera, when handling prisoners.
- F. Prior to searching a TIGN individual, employees will inform the person that they have the option to choose the sex of the employee that will search them. Employees will ensure that the TIGN individual is searched by an employee with the selected sex, unless exigent circumstances exist that prevent this. Refer to G.O. OPR-755: Interactions with Transgender, Intersex, and Gender Non-Conforming Individuals.

II. Restraints (CALEA 70.2.1)

- A. The following restraints are authorized by the department:
 - 1. Handcuffs and Key –will be available while on-duty.
 - 2. Flex Cuffs – may be used when making multiple arrests or prisoners' wrists are too large for handcuffs, providing a department approved cutting instrument is readily available. Knives and common scissors will not be used to remove flex cuffs. Approved flex cuff/restraint cutters are included in Attachment A.
 - 3. Leg Irons –will be used on prisoner trips except when prohibited by state or federal regulations. When available, leg irons will be used when any prisoner that is violent, has a history of, or shows a propensity for violence, or escaping.
 - 4. Hobble Restraints – when available, will be used when a prisoner is violent, or shows a propensity for violence, kicking, or escaping.
- B. All prisoners will be restrained; this includes prisoners who are physically or mentally handicapped, sick, injured, or mentally ill. (CALEA 70.3.1)
- C. An exception to using restraints on prisoners may be made in specific instances when the officer believes the prisoner does not have the propensity towards violence, the restraints are likely to cause injury or adversely affect a prisoner's health, and the officer receives authorization from their immediate supervisor.
- D. Restraints will be used according to the training standard. If a prisoner complains of discomfort, officers are to check the restraints and make adjustments if warranted and safety is not jeopardized.

- E. When possible, prisoners will be restrained with the hands behind the back. Handcuffs and leg irons must be double-locked.
Exceptions to this rule:
 - 1. Prisoner is pregnant female.
 - 2. Prisoner is obese with limited range of motion in the shoulder area.
 - 3. Prior or visible injury
 - 4. Obvious disability that would prevent handcuffing behind the back.
- F. At no time will officers place prisoners in a “hogtie” position by placing them in a prone position with the hands and ankles bound together from behind.
- G. Officers will roll prisoners who are lying on their stomach after being restrained onto their side or place in a sitting position as soon as possible. Positional asphyxia complications will be considered by officers when taking suspects into custody who are in a prone position. Refer to definition.
- H. Restraints (CALEA 70.1.6.b)
 - 1. Restraints will be removed from the prisoner prior to being placed in a temporary detention cell or interview room, unless it is deemed unsafe for either the officer or prisoner.
 - 2. At Central Booking, cooperative prisoners may have restraints removed in the sally port area once the door has been closed, and firearms and weapons have been secured in the vehicle trunk or in provided lock boxes. Uncooperative prisoners will remain restrained until the sheriff can render assistance.

III. Spit Hood Guidelines and Applications (CALEA 70.3.1)

When applying a spit hood, officers will only apply the hood to persons in custody and already handcuffed, and while the prisoner is restrained during or after transport. The officer will take the necessary steps to control the prisoner’s head to direct away or prevent the prisoner’s saliva from the officer or others. When practical, wear protective gloves when applying and removing a spit hood. The department-issued spit hoods may be used on prisoners when they exhibit, threaten, or demonstrate the following behavior:

- A. Any prisoner who demonstrates spitting behavior, threatens, attempts to spit on or bite someone, may have a department issued spit hood placed over their head and face.
- B. When there is a verbal or physical intent by the subject to contaminate others with spit or bodily fluids from the nose or mouth.
- C. When the officer reasonably believes the prisoner will bite or spit, on a person.
- D. The spit hood may be left on as long as the officer reasonably believes that the subject remains a spitting hazard.

- E. Although it does not preclude or prevent the use of a spit hood, extra monitoring will be provided to persons who are mentally unstable, elderly, and very young.
- F. Spit hoods **will not** be used on any person requiring medical treatment by a medical practitioner for lethargy, sleepiness, vomiting or the extremely intoxicated, those who have excessive bleeding from the face or head, or those who have recently been sprayed with Oleoresin Capsicum Aerosol.
- G. Officers utilizing a spit hood will ensure that it is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally.
- H. Officers will provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Officers will not place prisoners wearing spit hoods in close proximity to others.
- I. Those who have been placed in a spit hood will be continually monitored and will not be left unattended until the spit hood is removed. Spit hoods will be discarded after each use.
- I. The utilization of the spit hood will be documented in accordance with G.O. OPR-145 Electronic Reporting System.

IV. Physically Handicapped, Sick, or Injured Prisoners (CALEA 70.1.3, 70.4.1, 70.4.2)

- A. Officers will be considerate of physically handicapped, sick, or injured prisoners to the extent reasonable and consistent with officer safety and the need to effectively restrain the prisoner. Officers will assist such prisoners entering and exiting transport vehicles. When officer safety is not jeopardized, officers are permitted to adjust restraints or omit use of restraints if they would likely cause injury to, or adversely affect, a prisoner's health. Officers who determine restraints to be inappropriate must receive approval from their supervisors not to use them.
 - 1. If a handicapped prisoner uses special equipment such as a cane, walker, wheelchair, crutches, etc., officers will secure such equipment to ensure officer safety and to prevent damage and injury in the event of an accident.
 - 2. If removal of such equipment from a prisoner adversely affects a prisoner's mobility, officers will take appropriate action to provide assistance to such prisoners.
 - 3. If a prisoner represents that he/she has a health condition, which shall be adversely affected by the use of handcuffs or other authorized restraints, officers, will, to the extent consistent with their own safety, make reasonable inquiry for verification.
- B. Medical attention will be made available to sick or injured prisoners as soon as practical. When restraining sick or injured prisoners, the extent and area of injury will be considered. Restraints will not be used if it is believed they might cause injury, unless it is deemed necessary for the safety of the officer and prisoner.

Officers who determine restraints to be inappropriate must receive approval from their supervisor not to use them.

1. Officers will monitor prisoners and obtain medical treatment if necessary. Prisoners showing signs of distress should be questioned about alcohol or drug use, or if they suffer from any medical problem. Symptoms and responses are to be relayed to medical personnel.
2. If an officer has reason to believe a prisoner may have ingested narcotics or other substances, the prisoner will be transported to the hospital for further evaluation.
3. Officers will not allow prisoners to carry prescription or over-the-counter medicine while in police custody. The officer will attempt to obtain the prisoner's medical condition for such medicine. Prescription medicine may only be administered if the officer believes that the prisoner is suffering from a life-threatening medical condition. All medicine will be turned over to the appropriate medical or sheriff personnel.

V. Vehicles Used for Transporting (CALEA 70.1.5, 70.4.2)

- A. Vehicles used primarily for the transportation of prisoners are known as shield units and are modified to reduce opportunities for prisoners to escape, hide contraband and weapons, and spread body fluids. These modifications include items such as a barrier between the front and rear seats and disabling the rear doors and windows. The Bureau Chief of Administrative Services is responsible for submitting recommended modifications to the Chief of Police for his or her approval.
- B. Vehicles used to transport prisoners will be examined and searched by officers at the following times to ensure the vehicle is safe, properly equipped, and free of contraband or weapons: (CALEA 70.1.2)
 1. At the beginning of each shift.
 2. After each prisoner transport.
 3. After using the rear seat for persons such as detainees, accident victims, witnesses, and employees.
 4. Officers will record the final examination of the vehicle by activating Body Worn Cameras for CALEA requirements. (CALEA 70.1.2)
- C. Prisoners will generally be transported in shield units.
 1. When transporting a prisoner in a shield unit, the officer should place the prisoner to the right side of the rear seat to afford the officer a view of the prisoner.

2. If more than one prisoner is to be transported, they should be placed from the right to the left side of the shield unit. No more than two prisoners will be transported at a time, unless the transport vehicle is designed to do so. When three or more prisoners are required to be transported in the same police vehicle, supervisors will authorize the use of the police van, and ensure two officers are assigned to the transport van, and present in the transporting van prior to entering the sally port area at Central Booking.
- D. A vehicle not equipped with a shield may be used to transport a prisoner when the prisoner is not violent, and does not show a propensity for violence, or the tendency to escape.
1. When a vehicle not equipped with a shield is used, two officers are required. In such cases, one officer will drive and the second will sit behind the driver.
 2. Officers will use authorized restraints and place prisoners in the rear seat on the right side. No more than one prisoner at a time can will be transported in a shieldless unit. Officers should be aware of weapon security during the transport of prisoners.
- E. Officers will obtain authorization from a supervisor before utilizing a transport van or a shieldless unit to transport a prisoner.
- F. Transporting officers will encourage and assist prisoners to use seatbelts for safety. Under normal conditions, officers will not force prisoners to use seatbelts; however, seatbelts may be used to assist officers in restraining a violent or intoxicated prisoner. Prisoners will not be placed face down across the seat.
- G. Officers will use reasonable care to prevent injuries to prisoners when they are entering or exiting police vehicles. Officers will assist prisoners if lack of mobility is caused by handcuffs, restraining devices, or physical impairment.
- H. Officers will not interrupt the transport of prisoners under normal circumstances, except in emergencies when: (CALEA 70.1.4)
1. Risk of harm to a third party is clear and imminent.
 2. Risk of prisoner injury or escape is minimal.
- The totality of the situation must be taken into account, e.g., the number of transporting officers, the seriousness of the prisoner's charges, the number and distance of responding units, the proximity to the scene, etc.
- I. Under no circumstances will transporting officers become involved in a pursuit.

VI. Communications with Prisoners

Safety aspects of the transport function require that the prisoner's right to communicate with attorneys and others will not be exercised during transport.

VII. Transporting Prisoners

A. Transporting officers will maintain sight and control of prisoners during transport.

1. Requests to transport prisoners being detained in secure police facilities may be held in the message system until higher priority messages are dispatched. However, prisoners should be transported as soon as practical.
2. Persons arrested or detained in unsecured settings should be transported as soon as possible. If the arresting/detaining officer cannot transport the prisoner and believes security or safety may be compromised, the officer should search, restrain the prisoner with authorized restraints, and request immediate assistance. The transport message will be dispatched immediately.
 - a. In situations when normal transport procedures cannot be followed due to unsecured settings, officers will take the appropriate action necessary to reduce the opportunity of escape and injuries.
 - b. Officers will notify their immediate supervisor on the course of action taken as soon as practical.
3. Prisoners will not be confined in an unventilated vehicle for any extended period of time.
4. Prisoners will not have access to personal belongings, including electronic devices.

B. Prisoners of the Opposite Sex

Female and male prisoners may be transported in the same police vehicle.

C. Transporting Juveniles

1. Juveniles will not be transported with adult prisoners.
2. Vans will not be used to transport juveniles unless exigent circumstances exist, and the transport is approved by a supervisor.

D. Transport Messages

1. Officers transporting prisoners will request a "Detail/Transport Prisoner" message and are responsible for updating status changes. This includes transporting prisoners at the time of arrest, and between facilities (e.g., Police Operations Center to Central Booking, or to the Juvenile Detention Center, etc.) Refer to G.O. OPR-510: Radio Communications.
2. If the transport is a single officer unit, the following procedure will be mandated:

- a. Prisoner transports to the POC will be called into the Central Desk prior to arrival. Central Desk personnel will notify the appropriate investigative division in order for them to respond to the sally port. It will be the responsibility of the investigator requesting the transport to assist or notify another investigator to assist with the intake of the prisoner.
 - b. If extenuating circumstances exist and there is no investigator available, an officer from the Central Desk will respond to the sally port to assist. If there are no personnel available to assist with the intake of the prisoner at the sally port, a supervisor will be notified for guidance.
3. Prisoner transports between the POC and Central Booking are normally assigned to the First Patrol Division. However, due to time restrictions and calls for service, officers assigned to another patrol division may be used to transport prisoners.
 - a. Requests for transports from the POC will be directed to the Central Desk supervisor for coordination.
 - b. Requests for prisoner transports from the City Jail will be coordinated through the Sheriff's Office before requesting a "Transporting Prisoner" message.
4. For all prisoner transports, the transporting officer will:
 - a. Advise the telecommunicator of the **starting mileage, location, and destination**. The telecommunicator will provide the starting time.
 - b. Advise the telecommunicator of the **vehicle's mileage** upon arrival. The telecommunicator will provide the arrival time.
5. Officers and investigators escorting prisoners to the CRD for processing and identification purposes will utilize leg irons provided in the sally port for escape prevention and officer/public safety measures. Leg irons will not be used on juveniles escorted to the CRD, unless the juvenile is in custody due to a violent crime charge.

E. Extended Transports

1. When on extended prisoner transports, prisoners will be afforded the use of restrooms.
 - a. Prisoners will be escorted by two officers at all times. One of these officers will be of the same sex as the prisoner.

- b. The restrooms will be inspected by one of the escorting officers before allowing the prisoner to use the restroom.
 - c. Depending on the security of the facility, officers will remain either in or just outside while the prisoner is in the restroom.
 - 2. Meals will be provided to prisoners as follows:
 - a. The location of the meal will be chosen randomly and not planned in advance.
 - b. Prisoners will be given the same choice of food as the escorting officers. Food may be precut before serving and plastic utensils should be used when available.
 - c. No alcoholic beverages will be consumed.
 - 3. Officers will maintain direct control over the prisoner and stay on constant guard for possible escape attempts or attacks.
- F. Unusual Security Risks (CALEA 70.1.6d, 70.1.8)

When transported prisoners pose an unusual security risk, transporting officers will relay appropriate information to personnel at the intended destination prior to arrival.

VIII. Hospital Details

- A. Two officers will be used when transporting a prisoner to the hospital for treatment. If the prisoner is going to be transported to the hospital by an ambulance, one officer will follow the ambulance to the hospital and the second officer will accompany the prisoner in the ambulance.
- B. The charging officer will:
 - 1. Upon identifying the suspect:
 - a. Issue a Virginia Uniform Summons if the prisoner meets the issuing criteria. The issuing officer should coordinate the issuance of the summons with the attending nurse or doctor. Suspects requiring a magistrate summons or warrant must be presented in person once released from the hospital.
 - b. Suspects who are not under arrest or lawfully detained may be left by officers in the care of hospital staff. The officer should request hospital personnel to notify the Emergency Communications Center (ECC) prior to discharge from the hospital if police personnel desire to take the suspect into full custody upon discharge.

2. Contact their immediate supervisor if unable to identify, issue a summons, or if the custody of the suspect will go beyond his or her shift and the prisoner is going to be admitted to the hospital. The supervisor will notify and relay information to the Field Commander.
- C. Prisoners who are held in the emergency room for a period exceeding four hours or are admitted to the hospital and under guard will have their name, location, pending charges, and the division or investigative unit detaining the prisoner provided to the POC. In the event that a relative calls inquiring about a prisoner, the front desk will confirm custodial status of the prisoner, the name of the division detaining the prisoner, and a general description of charges. For security reasons, the name of the hospital providing medical treatment will not be provided. Any additional inquiries will be forwarded to the appropriate supervisor responsible for the detention.

Supervisors will notify the Field Commander of the above circumstances. In the event of serious or life-threatening injuries to a prisoner, the Field Commander will be responsible for coordinating and ensuring notification of next-of-kin.

- D. The Field Commander will determine the necessity and length of a hospital detail by considering the following criteria:
1. Severity of the charges
 2. Verification of prisoner's identity
 3. Flight risk
 4. Propensity and history of violence
- E. The Field Commander may grant authorization for visitation during a hospital detail.
1. In emergency situations, such as serious or fatally injured prisoners, the Field Commander will coordinate visitation with the Commanding Officer of the Detective Division or designee.
 2. Attorney visitation, without a court order or paperwork.
 - a. The attorney must provide proper identification and will be subject to a police pat down for weapons and contraband in order to visit the prisoner.
 - b. The attorney is allowed to speak with his or her client without the police present. However, the guarding officer may leave the door open to view the visit.
 - c. The Field Commander may contact the Commonwealth's Attorney for further guidance.

- F. Two officers will be assigned to hospital details and will stay with the prisoner while being treated at the hospital to provide appropriate security. At no time will a prisoner be left unattended in a hospital, unless required to do so by medical personnel to treat a medical emergency. However, officers will remain in as close proximity to the prisoner as permitted by medical personnel.

IX. Prisoner Escapes (CALEA 70.1.7 a/b/c)

- A. If a prisoner escapes from custody, the officer will immediately notify the telecommunicator of the escape and give a detailed description of the prisoner, escape location, prisoner's direction of travel, and if other individuals are involved.
- B. The telecommunicator will broadcast this information, dispatch the nearest available officers to assist, and notify the sector supervisor and Field Commander. Assistance from K-9 officers will be requested by either the officer, supervisor, or the telecommunicator.
- C. An Incident Report (IBR) will be completed for offenses related to the escape regardless if the prisoner is apprehended or not.
- D. Officers will be responsible for ensuring that appropriate paperwork is completed in situations such as an injury to an officer or a prisoner, damage to city property, etc.
- E. Warrants will be obtained for all appropriate violations.

X. Documentation (CALEA 70.1.6 e)

The arresting officer is responsible for completing appropriate paperwork. The transporting officer will ensure all complete appropriate paperwork is attached and will communicate to the appropriate facility staff once transfer of a prisoner has been completed. Additionally, the telecommunicator will be notified when transporting officers have completed their prisoner transports and the incident message will be updated in the CADS system. (CALEA 70.1.6)

- A. Custody of prisoners will be considered officially transferred from the police department to the sheriff when the sheriff acknowledges receipt of the prisoner by accepting and signing the Commitment Order or the Personal Recognizance paperwork provided by the magistrate.
- B. Custody of prisoners will be considered officially transferred from transporting officers to Police Operations Center staff once notified via intercom system the prisoner is secure in a temporary holding cell, and Central Desk staff update the temporary holding cell log with the prisoner's name and which squad or unit is to receive the prisoner.

- C. Juvenile detainees are considered officially transferred from transporting officers to the guardians of juveniles, Intake personnel, or the Juvenile Detention Center staff once the PD 940 Arrest/Detention Sheet has been signed.

Definitions: Positional Asphyxia: An event that occurs when the position of the body interferes with respiration, causing suffocation. The use of alcohol, drugs, obesity, cardiac or respiratory problems, and physical disabilities, particularly after a violent struggle, may increase the possibility of suffocation when placed in a prone position.

Spit Hoods: A temporary protective device designed to prevent the wearer from transferring or transmitting fluids (saliva and mucous) to others.

Body Cavity Search: The inspection of a person's anus, genitalia or the internal physical examination of body cavities or organs such as the stomach, excluding the mouth, which is conducted visually, manually, or by means of any physical instrument.

Sex: For purposes of this policy, sex is defined by the genitals possessed by an individual. Officers will not consider a person's gender identity or expression when determining sex.

Strip Search: The inspection of a person who has been ordered to remove or arrange some or all of his or her clothing to permit a visual inspection of the genitals, buttocks, anus, female breasts or under garments; or, the inspection by an officer that has removed or arranged some or all of a person's clothing to permit a visual inspection as described.

Related Documents:

1. G.O. ADM-335: Infectious Disease Control
2. G.O. OPR-120: Use of Force
3. G.O. OPR-145: Electronic Reporting System
4. G.O. OPR-230: Prisoner Booking
5. G.O. OPR-495: Strip Searches
6. G.O. OPR-510: Radio Communications
7. G.O. OPR-720: Juveniles
8. G.O. OPR-740: Mentally Ill Persons
9. G.O. OPR-745: Hospitals and Psychiatric Facilities
10. G.O. OPR-310: Accident Investigation
11. G.O. OPR-715: Body Worn Camera
12. Police Officer's Manual, Article II, Rule 24
13. S.O. 15-003: Special Incidents
14. G.O. OPR-755: Interactions with Transgender, Intersex, and Gender Non-Conforming Individuals

Attachment A: Approved flex cuff cutting instruments

Reference

Norfolk Police Department approved flex cuff cutting instrument:

- ASP Trifold Scarab Compound Leverage Restraint Cutter
- Miller Tool Flex cuff cutter/nylon strap cutter
- Safariland/Manadnock Restraint Cutter
- Maxx-Cuff Disposable Restraint Cutter